

1735. *February 5*ROGERS *against* MELVILL.

No. 2.

*DOLUS dans causam contractui* where a bankrupt buys goods on trust. The Lords remitted to the Ordinary to enquire into and report the several qualifications, particularly what were his circumstances at the time of the sale; for some of us thought, that if his debts did not very much exceed his effects at the time, his failing in three weeks would not presume fraud *in concilio*. *Vide* Cave's Case, No. 9. *voce* BANKRUPT.

See NOTES.